

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE ENROLLED ACT No. 100

AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-33-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) Except as provided in subsection (b),** the superintendent of the home shall be appointed in the manner prescribed by law and must meet all of the following conditions:

~~(1) Have served in and been honorably discharged from the armed forces of the United States;~~

~~(2)~~ **(1)** Be a teacher licensed by the state or have at least a baccalaureate degree from an accredited college or university in a field related to education or child growth and development.

~~(3)~~ **(2)** Have experience working with children.

~~(4)~~ **(3)** At the time of appointment, be a resident and citizen of Indiana.

~~(5)~~ **(4)** Have other qualifications as required by the state health commissioner.

**(b) When at least two (2) candidates meet the conditions listed in subsection (a), the state health commissioner shall give preference to individuals who have been honorably discharged after service in the armed forces of the United States in appointing a candidate to the position of superintendent of the home.**

SECTION 2. IC 16-33-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After



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consideration of appropriateness of placement by an admissions committee that consists of:

- (1) **an adequate investigation as determined by the** superintendent of the home or the superintendent's designee,
- (2) **the state health commissioner or the commissioner's designee;**
- and
- (3) **the superintendent of the department of education or the** superintendent's designee; and
- (4) **the secretary of family and social services or the secretary's** designee;

**including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee,** the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

- (1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.
- (2) The child is at least three (3) years of age but less than eighteen (18) years of age.
- (3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, **subject to this section, recommend for admission if a child meets the requirements under subsection (b), receive as residents in the home the:**

- (1) grandchildren;
- (2) stepchildren;
- (3) brothers;
- (4) sisters;
- (5) nephews; and
- (6) nieces;

of members of the armed forces who are in need of residential care and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent ~~shall~~ **may** accept for residence children referred:

- (1) by the division of family and children established by IC 12-13-1-1; or



(2) by the division of special education established by IC 20-1-6-2.1;

subject to **an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, by the admissions committee under subsection (a): and the approval of the state health commissioner or the commissioner's designee.**

SECTION 3. An emergency is declared for this act.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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